

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

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|-----------------------------|------------------------------|
| BERNARDO® FOOTWEAR, L.L.C., | § |
| | § |
| Plaintiff, | § |
| | § |
| - against - | § Civil Action No. H-06-1613 |
| | § |
| BROWN SHOE ET AL. | § JURY TRIAL DEMANDED |
| | § |
| Defendant. | § |
| | § |

CONSENT JUDGMENT AND PERMANENT INJUNCTION

Plaintiff Bernardo Footwear, L.L.C. (“Bernardo”) has filed this federal action against J&A Shoes, Co. Inc. (“J&A”), and others, for infringing U.S. Patent No. D513,447. Bernardo and J&A (the “Parties”) have agreed to a settlement of these matters in issue between them in this action, and to the entry of this Consent Judgment and Permanent Injunction (“Judgment”), including entry of the permanent injunction set forth below.

Therefore, it is hereby **ORDERED, ADJUDGED AND DECREED** as follows:

1. Bernardo commenced this action for patent infringement against J&A, and others, on May 11, 2006. This action alleges that J&A infringes U.S. Patent No. D513,447 S. J&A has received and reviewed a copy of the Complaint filed by Bernardo in this action.
2. This Court has jurisdiction over the Parties to this action and over the subject matter of the Complaint.
3. Plaintiff Bernardo is a limited liability company organized under the existing law of the State of Texas and has an office and principal place of business at 9330 West Airport,

Suite 190 Houston, Texas 77031.

4. Defendant J&A Shoes, Co. Inc. is a corporation organized under the laws of the State of California, and has a principal place of business at 198 W. 146th St. Gardena, California 90248.

5. Plaintiff, Bernardo, is the owner and assignee of U.S. Patent No. D513,447 S (Issued January 10, 2006, hereinafter referred to as “the ‘447 Patent”) entitled “Sandal.”

6. The “Medieval” Sandal, manufactured and sold by Bernardo, embodies the design claimed in the ‘447 design patent.

7. The claim of the ‘447 patent is valid and enforceable.

8. Bernardo alleges that J&A has infringed and continues to infringe the claim of the ‘447 Sandal design patent by its manufacture, use, offer for sale and/or sale of the Athena Alexander “Ben” and “Leta” shoes.

9. For the purposes of settlement of this litigation, J&A agrees to the entry of the following permanent injunction:

10. It is **ORDERED** that J&A, their respective officers, agents, servants, employees and attorneys and those in active concert or participation with them are hereby permanently enjoined and restrained for the life of the ‘447 Patent from manufacturing, using, offering for sale and/or selling the Athena Alexander “Ben” and “Leta” shoes and/or any design that embodies the ‘447 Patent.

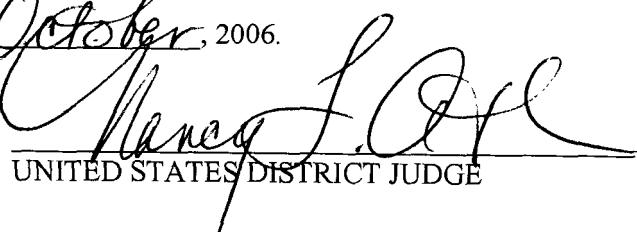
11. It is **ORDERED** that this Court shall have continuing jurisdiction with regard to the terms of this Judgment and Permanent Injunction.

12. It is **ORDERED** that this Judgment and Permanent Injunction is pursuant to the confidential settlement agreement, by and between the Parties which shall constitute a full and

final adjudication with prejudice on the merits as to all claims and defenses which were raised or could have been raised by either of the Parties relating to the subject matter of this suit.

13. It is **ORDERED** that each Party shall bear its own costs, including attorneys' fees.

SIGNED this 16th day of October, 2006.


Nancy L. Fox
UNITED STATES DISTRICT JUDGE

AGREED TO:

/s/ Edward W. Goldstein
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